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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/792,029	03/02/2004	Paritosh Jayant Dhawale	GE.0002	1373

41963 7590 11/03/2008
RAMIREZ & SMITH
PO BOX 341179
AUSTIN, TX 78734

EXAMINER

BOR, HELENE CATHERINE

ART UNIT	PAPER NUMBER
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3768

NOTIFICATION DATE	DELIVERY MODE
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11/03/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

pto@isrlaw.com
pto@patent-counselors.com

Office Action Summary	Application No. 10/792,029	Applicant(s) DHAWALE ET AL.	
	Examiner HELENE BOR	Art Unit 3768	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-85 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-85 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/20/2008 & 6/22/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

2. The rejection of Claims 1-6, 8, 10-11, 15-23, 29-31, 41, 45, 46, 48, 50, 54 & 65 under 35 U.S.C. 103(a) as being unpatentable over Reilly'463 et al. (US Patent Application No. 2003/0004463 A1) and further in view of Hamadeh'188 et al. (US Patent Application No. 2004/0088188 A1) is hereby maintained.

3. The rejection of Claims 5 & 19 under 35 U.S.C. 103(a) as being unpatentable over Reilly'463 et al. (US Patent Application No. 2003/0004463 A1) and in view of Hamadeh'188 et al. (US Patent Application No. 2004/0088188 A1) and further in view of Satyamurthy (Satyamurthy, N. et al. "Electric Generators for the Production of the Positron-Emitter Labeled Radiopharmaceuticals: Where Would PET Be Without Them?" *Clinical Positron Imaging*. Vol. 5, No. 5: 233-253, 1999) is hereby maintained.

4. The rejection of Claims 7, 21, 26, 27-29, 31, 42, 47 & 57 under 35 U.S.C. 103(a) as being unpatentable over Reilly'463 et al. (US Patent Application No. 2003/0004463 A1) and in view of Hamadeh'188 et al. (US Patent Application No. 2004/0088188 A1) and further in view of Critchlow'930 et al. (US Patent No. 6,520,930 B2) is hereby maintained.

5. The rejection of Claim 30 under 35 U.S.C. 103(a) as being unpatentable over Reilly'463 et al. (US Patent Application No. 2003/0004463 A1) and in view of Hamadeh'188 et al. (US Patent Application No. 2004/0088188 A1), in view of

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Critchlow'930 et al. (US Patent No. 6,520,930 B2) and further in view of Satyamurthy (Satyamurthy, N. et al. "Electric Generators for the Production of the Positron-Emitter Labeled Radiopharmaceuticals: Where Would PET Be Without Them?" *Clinical Positron Imaging*. Vol. 5, No. 5: 233-253, 1999) is hereby maintained.

6. The rejection of Claims 9, 12-13, 35, 36, 38, 43, 49, 51, 54, 56, 58, 61-63, 65, 66-68, 70-77, 79 & 80 under 35 U.S.C. 103(a) as being unpatentable over Reilly'463 et al. (US Patent Application No. 2003/0004463 A1) and in view of Hamadeh'188 et al. (US Patent Application No. 2004/0088188 A1) and further in view of Tamaki'1989 (Tamaki et al., Value of Rest-Stress Myocardial Positron Tomography Using Nitrogen-13 Ammonia for the Preoperative Prediction of Reversible Asynergy, pp. 1302-1310, Journal of Nuclear Medicine, vol. 30, No. 8, Aug. 1989) is hereby maintained.

7. The rejection of Claims 33, 32, 37 & 57 under 35 U.S.C. 103(a) as being unpatentable over Reilly'463 et al. (US Patent Application No. 2003/0004463 A1), in view of Hamadeh'188 et al. (US Patent Application No. 2004/0088188 A1), in view of Critchlow'930 et al. (US Patent No. 6,520,930 B2) and further in view of Tamaki'1989 is hereby maintained.

8. The rejection of Claims 14, 25, 39, 44, 52, 53, 59, 60, 64, 69 & 78 under 35 U.S.C. 103(a) as being unpatentable over Reilly'463 et al. (US Patent Application No. 2003/0004463 A1), in view of Hamadeh'188 et al. (US Patent Application No. 2004/0088188 A1), in view of Tamaki'1989 (Tamaki et al., Value of Rest-Stress Myocardial Positron Tomography Using Nitrogen-13 Ammonia for the Preoperative Prediction of Reversible Asynergy, pp. 1302-1310, Journal of Nuclear Medicine, vol. 30,

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No. 8, Aug. 1989) and further in view of Kroll'869 et al. (US Patent Application No. 2005/0288869 A1) is hereby maintained.

9. The rejection of Claim 34 under 35 U.S.C. 103(a) as being unpatentable over Reilly'463 et al. (US Patent Application No. 2003/0004463 A1), in view of Hamadeh'188 et al. (US Patent Application No. 2004/0088188 A1), in view of Tamaki'1989, in view of Critchlow'930 et al. (US Patent No. 6,520,930 B2) and further in view of Kroll'869 et al. (US Patent Application No. 2005/0288869 A1) is hereby maintained.

10. The rejection of Claims 81-83 under 35 U.S.C. 103(a) as being unpatentable over Reilly'463 et al. (US Patent Application No. 2003/0004463 A1), and further in view of Haines et al. (US Patent No. 6,529,692) is hereby maintained.

11. The rejection of Claims 84 & 85 under 35 U.S.C. 103(a) as being unpatentable over Reilly'463 et al. (US Patent Application No. 2003/0004463 A1), in view of Hamadeh'188 et al. (US Patent Application No. 2004/0088188 A1), in view of Tamaki'1989 and further in view of Tuttle (EP 0542565 A1) is hereby maintained.

Response to Arguments

12. Applicant's arguments filed 08/14/2008 have been fully considered but they are not persuasive. While the discussion in the interview did include comparison of the Applicant's invention to the disclosure of Reilly and there was recognized difference, contrary to Applicant's statement in the Remarks, there was not agreement that the amendments to the claims as presented would overcome the art. It was recognized that the delivery system of the Applicant dispenses from one unit for remote controlled delivery to two or more PETs, whereas Reilly is dedicated to dispensing to a single

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PET. However, the ability of the Applicant's invention to perform the function described above is dependent upon structure which is not currently found within the claim such as delivery lines to the multiple PETs and the control thereof. It was the Examiner's understanding in regards to the interview that at least the aspects as mentioned above would be required to overcome the rejection of Reilly, not merely changing the claims to recite from "at least one" to "a plurality of". Without claiming the structure for dispensing the multiple doses to the multiple PET system, the claims are not defining over Reilly and the rejection is hereby maintained. The Examiner further notes a minor error within the claim amendments to note for the record. The Claims submitted 11/27/2007 state, "at least one" whereas the Claims submitted 08/14/2008 state, "at least two" as lined-out for the amendment. As far as the Examiner understands "at least two" was not a pending amendment before the Examiner.

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELENE BOR whose telephone number is (571)272-2947. The examiner can normally be reached on M-T 8:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Le can be reached on (571)272-0823. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. B./
Examiner, Art Unit 3768

/Eric F Winakur/
Primary Examiner, Art Unit 3768